REMARKS

This Amendment is submitted in response to the non-final Office Action mailed on September 16, 2009. No fee is due in connection with this Amendment. The Director is authorized to charge any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3717424-00015 on the account statement.

Claims 1-11 are pending in this application. Claim 8 was previously canceled without prejudice or disclaimer. In the Office Action, the Abstract is objected to. Claims 1-11 are rejected under 35 U.S.C. §103. In response, Claims 1-2 and 4 have been amended, and Claims 12-13 have been newly added. The amendments do not add new matter. The new claims do not add new matter. At least in view of the amendments and/or for the reasons set forth below, Applicant respectfully submits that the rejections should be withdrawn.

Applicant notes that Claims 2 and 4 have been amended solely for clarification purposes. The amendments do not add new matter. The amendments are supported in the Specification at, for example, page 5, paragraphs 75 and 77-78; Figs. 6-9.

In the Office Action, the Patent Office reminds Applicant of the proper language and length for an abstract of the disclosure. See, Office Action, page 2, lines 1-22. In response, Applicant has amended the Abstract, and it is now 142 words in length. These amendments do not add new matter. The amendments are supported in the Specification at, for example, page 1, paragraph 1; page 2, paragraphs 24-27; page 3, paragraphs 28-37. Therefore, Applicant respectfully submits that the Abstract is now in proper format.

In the Office Action, Claims 1-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,899,727 B2 to Armstrong et al. ("*Armstrong*") in view of U.S. Patent No. 5,591,222 to Susawa et al. ("*Susawa*"). In response, Claim 1 has been amended. In view of the amendments and/or for at least the reasons set forth below, Applicant respectfully submits that, even if combinable, the cited references fail to disclose every element of independent Claim 1 and Claims 2-11 that depend therefrom.

Currently amended independent Claim 1 recites, in part, a device for delivery of a stent for a vessel comprising: a catheter for insertion into the vessel of a living body; a balloon mounted on an outer peripheral surface of a distal end side of said catheter and inflatable with a fluid supplied to said catheter; a stent for the vessel mounted on said balloon in a diameter-

contracted state, said stent being formed of a biodegradable polymer and having self-expanding properties; and a stent holding member formed of a polymer material to a tube form for holding said stent for the vessel on said balloon, and configured for covering at least a portion of said stent for the vessel from said catheter; said stent holding member having been drawn in a longitudinal direction and being provided with a tearing assisting portion at a distal end thereof located towards the distal end of said catheter, wherein the polymer material of the stent holding member includes polymer molecules oriented in the longitudinal direction. These amendments do not add new matter. The amendments are supported in the Specification at, for example, page 5, paragraphs 74-77. By drawing the stent holding member in the longitudinal direction such that the polymer molecules are oriented in the longitudinal direction, the stent holding member is readily torn in the same direction once the tearing is initiated at the tearing assisting portion. See, Specification, page 5, paragraphs 74 and 77. Thus, only a small slit in a portion of the stent holding member is required in order to guide the tearing and allow the stent to expand after inflation of the balloon. See, Specification, page 5, paragraph 77. In contrast, even if combinable, the cited references fail to disclose every element of the present claims.

For example, even if combinable, the cited references fail to disclose or suggest that the polymer material of the stent holding member includes polymer molecules oriented in the longitudinal direction as required, in part, by independent Claim 1. The Patent Office asserts that *Armstrong* discloses a stent holding member formed of a polymer material to a tube form and including a tearing assisting portion at a distal end thereof. See, Office Action, page 4, lines 10-16. However, the portion of *Armstrong* relied on by the Patent Office merely discloses a constraining sheath formed of PTFE that includes a row of perforations in its surface. See, *Armstrong*, column 6, lines 41-62; column 7, lines 6-18. Nowhere does *Armstrong* disclose or suggest that its constraining sheath includes polymer molecules oriented in longitudinal direction such that only a small slit at one end is required to guide the tearing. To the contrary, *Armstrong* teaches that one or more entire lines or rows of perforations along the longitudinal axis of the device are required to tear its sheath. See, *Armstrong*, column 3, lines 8-17; column 4, lines 43-48; Figs. 1-1B and 4A-8. In contrast, if the polymer molecules are oriented in the longitudinal direction, the stent holding member is readily torn in the longitudinal direction using only a small slit. See, Specification, page 5, paragraph 77. Thus, *Armstrong* fails to suggest that its constraining sheath includes polymer molecules oriented in the longitudinal direction.

The Patent Office relies on *Susawa* merely for the disclosure of a stent formed of a biodegradable polymer. See, Office Action, page 4, lines 17-20. Nowhere does *Susawa* teach or suggest a stent holding member formed of a polymer material that includes polymer molecules oriented in the longitudinal direction, nor does the Patent Office cite support for such claimed element. As such, even if combinable, the cited references fail to disclose a stent holding member formed of a polymer material,. wherein the polymer material includes polymer molecules oriented in the longitudinal direction as required, in part, by the present claims.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-11 under 35 U.S.C. §103(a) to *Armstrong* and *Susawa* be withdrawn.

Applicant further notes that Claims 12-13 have been newly added. The new Claims are fully supported in the Specification at, for example, pages 2-3, paragraph 27; page 3, paragraph 31; page 5, paragraphs 75-79; Figs. 6-9. No new matter has been added thereby. Applicant respectfully submits that the subject matter as defined in the newly added claims is patentable over the cited art for at least substantially the same reasons as discussed above.

Specifically, with respect to Claim 13, the combination of *Armstrong* and *Susawa* fails to disclose or suggest that said tearing assisting portion extends in the longitudinal direction from the distal end of the stent holding member to a point prior to reaching said stent for the vessel such that the stent for the vessel is not exposed by the tearing assisting portion prior to inflation of the balloon. As discussed previously, *Armstrong* is entirely directed to using one or more lines or rows of perforations (*i.e.*, holes which expose the stent) along the entire longitudinal axis of the device to tear its sheath. See, *Armstrong*, column 3, lines 8-17; column 4, lines 43-48; Figs. 1-1B and 4A-8. Nowhere does *Armstrong* teach or suggest that its disrupting portion extends only a short length along the longitudinal axis such that the stent is not exposed prior to inflation of the balloon. The Patent Office relies on *Susawa* merely for the disclosure of a stent formed of a biodegradable polymer. See, Office Action, page 4, lines 17-20. Nowhere does *Susawa* teach or suggest a tearing assisting portion that extends in the longitudinal direction from the distal end of the stent holding member to a point prior to reaching said stent for the vessel such that the stent for the vessel is not exposed by the tearing assisting portion prior to inflation of the balloon, nor does the Patent Office cite support for such claimed element. Therefore, even if combinable, the cited references fail to disclose every element of Claim 13.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance and earnestly solicits reconsideration of same.

Respectfully submitted,

K&L GATES LLP

BY _____

Thomas C. Basso
Reg. No. 46,541
Customer No. 24573

Date: December 14, 2009